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GUIDE FOR APPLYING

FOR

APPROVAL OF

WASTE DISPOSAL SITES

SECTIONS 27, 30, 31 AND 32
ENVIRONMENTAL PROTECTION ACT
R.S.O. 1990

ENVIRONMENTAL ASSESSMENT AND APPROVALS BRANCH
November 1999

CONTENTS OF THIS DOCUMENT ARE
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FOREWORD

The Ministry of the Environment's approvals program requires that all proposals requiring approval under Ministry legislation are carried out in accordance with that legislation (i.e., Acts and Regulations) and the Ministry's Environmental Guidelines and Procedures which have been developed to ensure consistency of approach to various aspects of environmental protection throughout the Province. The guidelines and procedures are continually updated by the Ministry as environmental standards are modified to reflect changing needs of environmental protection. As these requirements are changed, the information required to demonstrate compliance with those requirements may also change. **In recognition of these on-going changes, the Ministry intends to periodically update this document to reflect the most current requirements.**

While every effort has been made to ensure the accuracy of the information contained in this guide, it should not be construed as legal advice. If proponents/users of this guide have any doubts or questions regarding legal aspects of the document, they should consult legal counsel.

For any addenda or revisions, users of this guide may contact:

Environmental Assessment and Approvals Branch
Waste Unit
2 St. Clair Avenue, West
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PURPOSE

This document is intended to provide guidance to proponents of waste disposal facilities (sites and systems), when requesting approval of those facilities under Section 27 of the *Environmental Protection Act*, R.S.O. 1990, Chapter E-19, (EPA). This document describes the approvals process in general, clarifies the information required by the respective application form and specifies the technical information that may be required in support of the application.

BACKGROUND

The mandate of the Ministry of the Environment, (Ministry), is to ensure protection, and where degraded, rehabilitation of the natural environment, and conservation of environment and material resources for the enjoyment and benefit of the present and future generations of people, as well as for other users of the environment.

The mandate of the Ministry is sanctioned by several pieces of Province of Ontario legislation, which include the *Ontario Water Resources Act* (OWRA), the *Environmental Protection Act* (EPA), *Pesticides Act* (PA), the *Environmental Assessment Act* (EAA), the *Act Respecting Environmental Bill of Rights in Ontario* (EBR), and the recently proclaimed *Services Improvement Act* (SIA), together with numerous Regulations made under these Acts.

These Acts and regulations establish the authority and responsibility of the Ministry, the legal requirements for proponents of various proposals, obligations of the owners of existing facilities and equipment with respect to their impact on public health and the environment, and the rights of residents of Ontario with respect to those proposals, facilities and equipment. These requirements and rights include the need to obtain approvals or permits prior to implementation of proposals with a potential for impact on public health and /or the environment, and the right of the residents of Ontario to be made aware of proposals, in order that the public has opportunity to comment on those proposals.

The statutory requirement for a Certificate of Approval for a waste disposal facility is contained in Section 27 of the EPA. Section 27 requires that approval be obtained from the Director before using, operating, establishing, altering, enlarging or extending a waste management system or a waste disposal site.

The Director must require the Environmental Assessment Board to hold a hearing before granting of an approval, if a waste disposal facility is intended for the final disposal of hauled liquid industrial waste, hazardous waste or any other waste equivalent of domestic waste of 1,500 persons or more (Section 30, EPA). In cases where an emergency situation can be alleviated by the use, operation, establishment, alteration, enlargement or extension of a waste disposal site, the Director has the authority to grant an approval without requiring a hearing (Section 31, EPA). In all other cases a public hearing may be held at the discretion of the Director (Section 32, EPA).

Further, the *Environmental Assessment Act* (EAA) requires that the proponent of a proposed undertaking must submit to the Minister an environmental assessment, if the proponent is or represents the public sector or if the proposed undertaking belongs to a specific class designated by the Minister under the EAA.

It is noted that the Director cannot grant an approval under Part V of the EPA, until all required hearings have been held and the environmental assessment approved, if necessary.

In addition to approvals under the EAA and Part V of the EPA, **the proposal may require approvals under Section 9 of the EPA for discharge of contaminants into the natural environment as well as under Section 53 of the OWRA for sewage works.**

A recent addition to the legislation which affects the approvals process is the Environmental Bill of Rights (EBR). The EBR was proclaimed in February 1994 and establishes new rights and processes which are to be used to ensure that residents of Ontario are able to participate in making environmentally significant decisions by the government and is designed to hold government accountable to the public for those decisions. The basic EBR requirements, as they pertain to applications for waste disposal sites, have been noted throughout this guide. Please note that there are no EBR requirements for waste management systems or for hauled sewage and processed organic waste disposal sites. However, for further details, information on exemptions and specifics on the EBR reference should be made to the document entitled "The Requirements of the Environmental Bill of Rights for Prescribed Instruments".

Another recent change to the approvals requirements is the updating of the previous applications fees, brought about by Ontario Regulations 363/98 entitled "Regulation Made Under the Environmental Protection Act" which revoked and replaced O. Reg. 502/92. Unlike the previous fees, which were being estimated on a case-by -case basis as a percentage of the capital cost of the proposed facilities, the new Application Fees are fixed fees prescribed by the new regulation, for the new regulations have been established on the principal of cost recovery, and are based on the estimated average cost incurred by the Ministry in processing applications of particular types and complexities.

In addition to legislative requirements, the approval criteria includes various procedures and guidelines. **The current procedures and guidelines affecting applications for waste disposal facilities are available from the Ministry**. The Ministry also develops and adopts new procedures and guidelines, or revises existing procedures and guidelines as the need arises.

In processing applications for approvals, and in all other actions and decisions, the Ministry staff is guided by guidelines and procedures developed by the Ministry in order to ensure that those actions and decisions are in concordance with the Ministry mandate, as well as to inform the public of the basis of those actions and decisions.

However, it is the proponent's responsibility to be aware of and understand all legal requirements of the EPA and other applicable legislation. Proponents should refer to the Acts and Regulations for a comprehensive review of those requirements. Similarly, for an in-depth understanding of the Ministry's guidelines and procedures, proponents should refer to the Manual of Guidelines and Procedures.

The Ministry's Manual of Environmental Guidelines and Procedures is available from the Public Information Centre, 135 St. Clair Avenue West, 1st Floor, Toronto, Ontario, M4V 1P5, general inquiries (416) 325-4000, or toll free 1-800-565-4923.

Copies of the EPA and other legislation may be obtained from the Information Services Branch, Publications Ontario, 880 Bay Street, Toronto, Ontario, M7A 1N8, Toll-free phone number 1-800-668-9938.

Proponents should be aware that, in addition to the approvals and permits required by this Ministry, other Ontario ministries, and other levels of government (e.g. federal or municipal), may have approval or permit requirements. **It must be emphasized that approval under one Act does not abrogate the requirement to obtain approval under other Acts or other sections of the same Act or any other legislation.**

PART I - GENERAL INSTRUCTIONS FOR APPLICANTS

1. Who Must Apply

The responsibility for obtaining approval for the waste disposal facilities lies with the owner of the facility. If the owner is a corporation, the person signing the application on behalf of the corporation must be someone who specifically is authorized by the corporation to do so. If the person signing the application is not an official of the corporation, the application must be a accompanied by a letter signed by an official of the corporation authorizing the person to act on its behalf for that purpose.

2. When to File Applications

Generally applications for approval to construct or modify existing waste disposal facilities should be filed 90 days prior to the planned date for commencing construction.

However, the review period will likely be longer if the proposal is highly complex, or if it is determined during review that additional information is necessary for proper assessment of the proposal or that the proposal needs to be subjected to a public consultation/hearing process.

In order to reduce the risk of unforseen delays associated with the legal requirement to obtain an approval prior to the commencement of operation of the proposed facility, Clients should familiarize themselves with the specifics of the approval process and the associated documentation and information requirements for various types of proposals outlined in this Guide, and schedule their projects accordingly. It is also suggested that applications for proposals be filed after the Client has addressed public concerns regarding the proposal and has completed any public consultation/notification required under the EBR.

The Client should also determine whether the Environmental Assessment Act (EAA) applies to the undertaking and if so should ensure the requirements of the Act have been met.

3. Where to File Applications

Applications for approval of waste disposal facilities (sites and systems) are formally made to the Director of the Environmental Assessment and Approvals Branch (EAAB) of the Ministry of the Environment by submitting a completed application form, together with the required supporting information and documentation, and the correct application fee.

In addition, the Client must submit a copy of the completed application form and all supporting information and documentation to the Ministry's District Office serving the area in which the site is to be located.

A covering letter addressed to the Director of Environmental Assessment and Approvals Branch should accompany both submissions and indicate that a copy of the complete submission has been sent to the local District Office.

4. Approval Process

The approval process generally consists of pre-application consultation, review of application, and issuance of approval. These steps are outlined below to give the Client an understanding of the process requirements and enable them to account for those requirements in scheduling of their projects in order to avoid unforeseen delays.

4.1 Pre-Application Consultation

Pre-application consultation is a dialogue between the Client, the Ministry, and possibly the public, prior to the submission of an application for approval. Pre-application consultation is meant to assist Clients in defining the environmental objectives for the project, establishing general acceptability of the proposal, identifying any special approval related requirements, and determining the need for public consultation/notification.

Where pre-application consultation is required or desired, it should be initiated by contacting the local District Office of the Ministry. The District Office may call upon or direct the proponent to other offices, branches or sections of the Ministry which may play a role in the approval process.

In the pre-application consultation with the Ministry, the proponent should be prepared to discuss the nature of the proposal, and identify in general the proposed waste disposal facility type, location and design and the EBR and EAA requirements, if applicable. The Ministry will assist the proponent in identifying all provincial environmental legislation, policies, objectives, guidelines and procedures applicable to the project and provide information on the EBR and public consultation. The Ministry would also discuss with the proponent the need for, and the scope and specifics of the various types of information and documentation which may be required to be obtained/prepared and submitted with the application for approval (e.g. scope of the required environmental impact analysis), including any special concerns which should be addressed, as well as requirements and procedures for the public consultation.

Based on such pre-application consultation, the Client would be better prepared to develop the environmental objectives (including public health) for the project with a clear understanding of the Ministry's requirements, and design the facility to meet these objectives.

4.2 Screening of Applications for Approval

Upon receipt by the Environmental Assessment and Approvals Branch of the Ministry, the application is assigned to an Application Processor who screens it for completeness of the application form and presence of the applicable application fees. If the submission is generally complete (i.e., includes all applicable major items of information and documentation necessary for proper assessment of the application), an acknowledgment letter is sent to the applicant identifying the Ministry's Waste Evaluator for the application. If a submission is grossly incomplete, it is returned to the applicant.

If an application does not include at least the administrative processing portion of the application fee (if applicable) or if its application form is incomplete (see Part II of this Guide for detailed instructions for

the completion of the form), the application cannot be properly recorded on the **IDS** (Integrated Divisional System - an electronic application processing and information management system of the Operations Division of the Ministry), and the system will not allow the processing of the submitted fee or generation of a letter of acknowledgement for the application. In such a situation, the Application Processor (a clerk of the Application Processing unit of the EAAB) will attempt to contact the Client by phone in order to obtain this critical information. However, if the Application Processor is unable to obtain this information from the Client within three business days of the receipt of the application, the application is returned to the Client in its entirety along with the application fee (if any was submitted).

Each application which includes at least the administrative processing portion of the application fee (if applicable), and for which the form is complete, undergoes detailed examination of the entire submission for adequacy of the submitted fee and presence of the required supporting information and documentation (see Parts II and III of this Guide for information on the supporting information and documentation requirements), including the presence of a record of pre-application consultation.
Based on the results of the examination of the submission, the Application Processor generates a letter of acknowledgement and mails it to the Client.

In the letter of acknowledgement, the Application Processor advises the Client of the estimated application turnaround time (i.e., the number of weeks expected to be required for the completion of the technical review and approval of the application), and if applicable, identifies the missing supporting information and documentation, details of any fee inadequacy, and the date by which the Client must respond to the request for additional fee and /or information (usually two weeks from the date of the letter).

> **Note: The time during which the Ministry would be awaiting any information requested from the Client (including resolution of any public consultation matters) is not known at the time of the receipt of the application, and therefore is not taken into account in the initial estimation of the application turnaround time. Any such time would be above and beyond the estimate identified in the letter of acknowledgement. Also, the initial time estimate is based on the average turnaround time of the recently approved similar applications, and the actual review time will likely be longer than the estimate if the proposal is highly complex, or if during the technical review it is determined that additional information (beyond that requested in the letter of acknowledgement) is necessary for proper assessment of the application, or if public comments received in response to posting of the proposal on the Environmental Registry (where the application requires posting of an EBR Proposal) require reassessment of the application.**

For applications subject to the Environmental Bill of Rights (EBR) requirement for public participation in the approval process, the Application Processor would place the EBR Proposal for the application on the Environmental Registry (ER) for a minimum of 30 day public comment period. Placement of the proposal on the ER follows the mailing of the letter of acknowledgement. This ER notice to the public provides a summary of the proposal (application for approval), and identifies the locations where the complete application can be viewed and the end date of the public comment period. During this public comment period, the public is given the opportunity to review the application and submit comments on the proposal to the Environmental Assessment and Approvals Branch of the Ministry.

If an application is complete, or *if to be considered as complete* it only requires an additional fee or additional information/documentation of an administrative nature (e.g., signatures, proof of legal name, etc.), the Application Processor forwards the application for assignment to a Waste Evaluator. The application is forwarded to the Waste Evaluator following the mailing of the letter of acknowledgement,

On the other hand, if the required additional information/documentation is of a technical nature, without which information the Waste Evaluator would not be able to undertake a meaningful technical review, the application is retained by the Application Processor (it is not forwarded for assignment to a Waste Evaluator) until a satisfactory response to the fee/information request in the letter of acknowledgement has been received.

> **Note: If the Client fails to submit the outstanding fee or address the request for additional information or documentation identified in the letter of acknowledgement within the time allowed, the Application Processor (or the Waste Evaluator if the application has already been assigned to the Waste Evaluator) will assume that the Client is no longer interested in pursuing the submitted application (i.e., wishes it withdrawn), and will initiate the process of cancelling the application and refunding the submitted application fee in the amount reduced by any applicable non-refundable portion of the fee as stipulated in the fees regulations.**

4.3 Technical Review of Applications for Approval

Detailed review of the application is conducted by the Waste Evaluator chronologically in order of its receipt, and therefore, detailed review for a particular application normally does not commence immediately upon its receipt. However, in order to expedite the process, immediately after receiving the application, the Waste Evaluator will determine if the application requires any supplementary review (e.g., comments on the submitted environmental impact analysis from the Technical Support Section of the appropriate Regional Office of this Ministry), and if required, will request such a review without delay.

In the detailed technical review, the Waste Evaluator assesses the completeness and adequacy of the submitted detailed design documentation and other supporting information, the compliance of the proposal with the Ministry acts, regulations, policies, objectives, and environmental guidelines, the conformance of the design to the principles of sound engineering, and the adequacy of controls and contingencies provided to facilitate the proper operation of the system.

For applications for which an EBR Proposal was posted on the Environmental Registry in the application screening phase of the review process (i.e., applications subject to the public participation requirement under the EBR), the Waste Evaluator will also consider, as part of the detailed technical review, any public comments received during the public comment period identified in the ER notice for the EBR Proposal. Based on the nature of the comments received, it may be necessary for the Waste Evaluator to discuss them with the Client and staff of the appropriate local office of the Ministry. In order to minimize delays due to the need to consider public comments at this stage, it is recommended that Clients consult potentially affected members of the public and other stakeholders prior to submitting the application for approval.

In the process of this detailed review, the Waste Evaluator may determine that additional information, beyond that requested (if any) in the letter of acknowledgement, is necessary for proper assessment of the application, or that the application involves aspects which require submission of an additional fee. A request for such information/additional fee is usually made in the form of a letter from the Waste Evaluator to the Client, and includes a deadline for response. This deadline may vary depending on the nature of the requested information, but typically, the Client is given two weeks to respond.

> **Note: If the Client is unable to submit the requested information within the given time but wishes to keep the application active, by the same deadline, the Client must request an extension of the deadline and provide an adequate justification. If the Client fails to respond to the request within the given time, or if the requested deadline extension is unjustified or unreasonably long, the Waste Evaluator will assume that the Client is no longer interested in pursuing the submitted application (i.e., wishes it withdrawn), and will initiate the process of cancelling the application and refunding the submitted application fee in the amount reduced by any applicable non-refundable portion of the fee as stipulated in the fees regulations and any additional amount determined based on the Ministry's effort expended to date in the review of the application.**

If the Waste Evaluator determines, during the process of detailed review, that the proposed facility, as designed, would not be capable of consistent compliance with the Ministry's acts, regulations, policies, objectives or environmental guidelines, or that the design of the facility and its components does not conform to the principles of sound engineering, the Waste Evaluator would advise the Client in writing that the facility as proposed cannot be approved. Such a "letter of non-compliance" would include the details of potential or actual non-compliance and/or non-conformance, and a deadline for response. This deadline may vary depending on the nature and complexity of the design changes required to achieve compliance/conformance but typically the Client is given two weeks to respond.

> **Note: If the Client is unable to submit an amended proposal within the given time but wishes to keep the application active, by the same deadline, the Client must request an extension of the deadline and provide an adequate justification. If the Client fails to respond to the request within the given time, or if the requested deadline extension is unjustified or unreasonably long, or if the Client submits a revised proposal which is still unacceptable, or if the Client advises that they disagree with the Ministry's assessment of their proposal, the Waste Evaluator will initiate the process of formal refusal of the application and refunding the submitted application fee in the amount reduced by any applicable non-refundable portion of the fee as stipulated in the fees regulations and any additional amount determined based on the Ministry's effort expended to date in the review of the application. The Client would have the right to appeal such a refusal to the Environmental Appeal Board.**

In the detailed review stage, the Waste Evaluator assesses the completeness and adequacy of the submitted detailed design documentation and other information, compliance with all Ministry Acts, regulations, procedures, objectives and environmental guidelines, adequacy of controls and contingencies provided to facilitate the proper operation of the facility, and, if applicable, the EBR comments received and the **submitted Application Fee.**

If the proposal is subject to the EBR requirements, and public consultation has not been addressed by the Client prior to the submission of the application, any comments that are received from the public as a result of the notification on the ER will be considered in the review. It may be necessary for the Ministry

to discuss/verify some of the comments with the Client or other Ministry offices/branches. Applications subject to the EBR requirements, must as a minimum, allow for a 30 day comment period. For new or major projects, delays can also be encountered if there is significant public comment/concern on a proposal. As a result, the comment period may need to be extended from the minimum 30 day requirement. It is therefore in the interest of the Client to ensure that public consultation is completed prior to the submission of the application. The review of the application and the notice on the ER will occur concurrently to minimize turnaround times.

In the process of this detailed review, the Waste Evaluator may request the Client to provide some additional information and/or to introduce some design changes to the proposed facilities. Such requests are usually communicated in writing to the Client with a deadline for response. The deadline may vary depending on the nature of the requested information, but typically the Client is given two weeks to respond. If the Client is unable to submit the requested information within the given time, they must request an extension of the deadline and provide and adequate justification.

> **Note: If the Client fails to respond to the information requested within the given time, the Waste Evaluator will assume that the Client no longer wishes to proceed with the application (i.e., wishes it withdrawn), and will proceed to cancel the application.**

For proposals prescribed under the EBR, if the additional information is such that it changes the information that is on the Notice to the ER, it may be necessary for the approving office to resubmit the Notice and restart the comment period.

Upon completion of the review, when all outstanding issues have been addressed, the Waste Evaluator prepares the Certificate of Approval and provides this document as his/her recommendations on the Application to the approving Director.

4.4 Issuance of Approval

Upon considering the Waste Evaluator's recommendation, the approving Director may grant approval for the proposed facility or, if in his/her opinion it is the public interest to do so, refuse to grant approval or grant approval on such terms and conditions as he/she deems necessary.

The Director may grant his/her approval of the proposed works by issuing one of the following documents:

i) A new Certificate of Approval;
ii) An Amended Certificate of Approval; or
iii) A Notice amending an existing Certificate of Approval.

New Certificates of Approval are issued to approve establishment of new waste disposal facilities or expansions or alterations to existing unapproved facilities. Amended Certificates of Approval are usually issued to approve expansion or alteration to existing previously approved facilities. An Amended Certificate of Approval revokes and replaces the existing Certificate of Approval. Notices amending

existing Certificates of Approval are usually issued to approve modifications to existing previously approved facilities or modifications to the existing terms and conditions of an existing Certificate of Approval. Such a Notice becomes part of the Certificate of Approval it amends.

In granting approval, the Director may decide to impose terms and conditions on the approval. These conditions usually concern the operation and performance of the waste disposal facility and may cover such items as maintenance and operation of the waste disposal facility as well as performance of any pollution control equipment that may be associated with the facility.

For proposals subject to the EBR, the final decision on an application is rendered at the end of the comment period and after all of the comments have been considered in the review. Notice of the final decision on the application along with information on the number of comments received and the impact of the comments is given to the public on the ER. This notice stays on the ER for 15 days, during which time, the public may seek leave to appeal the decisions for certain approvals. Details on third party appeals are provided in the guide entitled "EBR Requirements for Instruments".

4.5 Mandatory and Discretionary Hearings

Applications submitted under Part V, EPA for a waste disposal site may be subject to a mandatory hearing or a discretionary hearing. Section 30 of the EPA prescribes the types of applications that are subject to a mandatory hearing and Section 32 of the EPA prescribes those subject to a discretionary hearing. Generally applications of new or expandable landfill sites and incinerators for disposal of domestic waste the equivalent of 1500 persons or for hauled liquid industrial waste or hazardous waste, requires a mandatory hearing. Others are subject to a discretionary hearing. The hearing requirements should be discussed during the pre-submission consultation.

If a mandatory hearing is required, the proponent will be notified up front and be requested to pay the hearing fee. A decision or the discretionary hearing will be made after completion of public consultation and technical review prior to issuing an approval.

4.6 Emergency Certificate of Approval

If Director is of the opinion that an emergency situation exists due to :

1. danger to the health or safety of any person,
2. impairment or immediate risk of impairment of the quality of the natural environment for any use that can be made of it,
3. injury or damage or immediate risk of injury or damage to any property or to any plant or animal life, he may, under Section 31, EPA, issue a Provisional Certificate of Approval without holding a public hearing which would otherwise be mandatory. The intent of Section 31 is to allow an emergency situation to be alleviated and provide time to obtain the approvals necessary for the long- term disposal of waste to be obtained.

An emergency situation may arise, for example, if the landfill being used by a municipality has reached approved capacity before alternative facilities have been established through the normal approvals procedure or where early site closure is required for a serious environmental reason. Without an approved facility available to handle a municipality's waste, the uncontrolled disposal of waste would pose a danger to health and a serious risk to the environment.

As solid waste management is an essential service for which municipalities are responsible and can be required to provide (i.e., Section 29, EPA), emergency certificates are only issued for a municipality. If a private sector facility provides the services on behalf of the municipality, the emergency certificate can be issued to the private facility to handle the municipality's waste.

An application for an Emergency Provisional Certificate of Approval is not formally required under Section 31 of the EPA, however, one is normally requested along with the necessary supporting information.
The following is a list of supporting documents required for the review of the application:

1. Details of the nature of the emergency situation and how it evolved. If a landfill has reached approved capacity, confirmation of the site contours should be provided through a site survey or other accurate means.

2. Reasons pursuant to Section 31, EPA whereby an emergency situation exists.

3. Details of the existing and proposed activities being pursued by the municipality to promote the reduction of waste requiring disposal.

4. The alternative solutions for alleviating the emergency situation and an evaluation of those alternatives. The evaluation criteria should include:

    a. Hearing Board Decisions
    - not accept site rejected by Hearing Board,
    - not accept site currently before Hearing Board unless fort he continued use by existing users.

    b. Impact on Environment
    - must be site where all impact are or can be made acceptable within a reasonable time frame.
    - site where control systems are being implemented or a feasible program to control impact is being developed is acceptable.

    c. Existing Site
    - use of existing site preferred:
        1. increasing daily rate of fill amendment preferred,
        2. increasing total site capacity amendment acceptable.
    - use of new "greenfield' site not desirable.

d. Willing Host
- willing host municipality preferred (applies to both private and public sector site):
    1. Municipal representatives
        - resolution of council
    2. General public
        - input of public liaison committee; or
        - public meeting held by applicant.

e. Site Located Within County or WMMP Study Area
- use of own site preferred,
- use of other site within county of WMMP desirable (as county can assume control of waste management under recent legislation change)
- use of site outside of county or WMMP acceptable.

f. Economic Impact
- cost of alternative not normally an important consideration.

5. A description of the chosen alternative and how it alleviates the emergency situation.

6. The closure measures to be implemented at any previously used waste disposal site which is no longer to be used.

7. An operating and development plan for the period of the emergency clearly delineating operations during the emergency including:

    a. types and quantities of waste,
    b. municipalities serves and their respective population,
    c. the length of time the facility is to be used,
    d. required changes to the operation/development of the site,
    e. existing information of the environmental impacts of the site. For a landfill, this information should include potential groundwater, surface water and methane gas impacts, an impact monitoring program and any remedial measures required.
    f. a work plan and timetable for approval and implementation of long term waste management plan.

8. Work plan and timetable for approval and implementation of long term waste management plan.

9. Letter from the medical officer of health indicating whether an emergency situation with respect to human health and welfare exists.

5. Public Notification and Access to Application Information

The Client must send a letter to all of the owners and tenants of adjacent properties (including vacant property). The letter must inform the recipients of details of the proposed operation and request written concerns and objections. Their concerns are to be addressed to the Director, Waste Unit, Environmental Assessment and Approvals Branch, and must reach the Director within fifteen (15) days of their receipt

of the letter. The Client must provide to the Director, as part of the application for a waste disposal site, a copy of the letter and the names and addresses of all of the adjacent landowners and tenants to whom the letter was sent.

The release of information contained in application forms or submitted in support of an application is subject to the provisions of the *Freedom of Information and Protection of Privacy Act*, Ontario Regulation 677/87 and the *Municipal freedom of Information and Protection of Privacy Act*, 1989. These Acts defines what may and what may not be disclosed to the public and will be used to assess all requests for information contained in approvals.

The information submitted with the application for approval may also be subject to the *Act Respecting Environmental Rights in Ontario Act*, which requires public notification of applications for approval of certain works. During the time that the notice of the proposal is on the ER, the public will be able to submit written comments on the proposal to the approving office. In addition, the public will be able to view parts of the application submission at the approving office as well as at the District Office in the vicinity of the proposal. Comments that are submitted will be considered during the detailed review stage of the application.

The Client should therefore clearly identify all documents which are to be considered confidential or proprietary and must provide detailed evidence in support of this claim. The evidence in support of this claim will be one of the factors the Ministry considers when making a decision regarding disclosure of the records.

6. False Information

It is an offence under Section 184 of the *Environmental Protection Act* to knowingly give false information to the Ministry in respect to matters under the Act or regulations. Penalties for this and other violations could result in fines of up to $10,000 for the first conviction and up to $25,000 for each subsequent conviction where the offence is committed by an individual and $50,000 and $100,000 respectively where the offence is committed by a corporation.

7. Questions Regarding Filing Applications for Approval

For any assistance or advice regarding the filing of applications for approval of waste disposal sites, the local District or Regional Office or the Waste Unit of the Environmental Assessment and Approvals Branch may be contacted. The telephone numbers and address for the Environmental Assessment and Approvals Branch are listed in the Foreword of this Guide.

Part II - INSTRUCTIONS FOR COMPLETING APPLICATION FORM

Unless otherwise directed by the Environmental Assessment and Approvals Branch, applications for approval of waste disposal sites must be submitted using application forms titled "Application for Approval of a Waste Disposal Site".

The form is designed to be used for all types and complexities of waste disposal sites and some items may not be applicable to a particular project. However, except where for a particular item the form instructs otherwise, the application must be completed in its entirety, and incomplete applications will be returned to the applicant. If a particular item is not applicable, "NA" must be entered to indicate that the item has been considered.

Section 1. Client Information

Client Information is the information identifying the individual or organization having legal responsibility for the proposed works/facilities, who is normally the legal Owner of the works/facilities. Even if another individual or organization, formally authorized by the Owner, applies for approval on behalf the Owner, it is still the Owner who is the Client for the purposes of this application.

> **Note: If the Client submits with the application a copy of their Master Business Licence (MBL) obtained from the Ontario Ministry of Consumer and Commercial Relations, this Section does not need to be completed except for its Business Identification Number, and Activity Classification Code and/or Business Activity Description items. [For information of the MBL the Client may call the Ontario Business Connections (Ontario Ministry of Consumer and Commercial Relations) at 1-800-565-1921 or (416)314-9151, or access their Internet site at http://www.ccr.gov.on.ca.]**

The following information about the Client is to be provided in this Section:

Client Name - this is the legal name of the Client, as evidenced by legal documents, where Client is the individual or organization.

Client Type - this is the type of legal entity that the Client represents. The Client must check one of the following choices provided by the form:

- **Corporation** - an incorporated entity having the status of a legal person having its own rights and responsibilities distinct from those of its owners/shareholders
- **Individual** - a private person
- **Partnership** - an unincorporated business having two or more owners who may be individuals, corporations or other unincorporated businesses

- **Sole Proprietor** - an individual being a single (sole) proprietor of an unincorporated company operating under a name registered under the Business Names Act

- **Federal Government** - a federal department or agency

- **Provincial Government** - a provincial ministry or agency

- **Municipal Government** - a municipal corporation or authority

- **Other** - this choice must be checked where none of the above specific types of entities apply to the Client, and the Client must specify the "other" type of entity which more appropriately describes the Client.
  Note: Unless the Client is a municipal, provincial or federal government, a proof of legal name of the Client must be submitted with all applications. An acceptable proof of legal name for a particular Client Type is provided by the following legal documents:

  - **Corporation (Ontario)**
    Form 1,2 or 3 under the Corporations Information Act as obtained from the Ontario Ministry of Consumer and Commercial Relations

  - **Corporation (Canada)**
    Articles of Incorporation, Articles of Continuance (Form 11) or Articles of Amendment (Form 4) under the Canada Business Corporations Act as obtained from the Department of Consumer and Corporate Affairs

  - **Individual**
    Birth certificate, passport or other document verifying legal name of the individual

  - **Partnership (Limited)**
    Declaration under the Limited Partnerships Act as obtained from the Ministry of Consumer and Commercial Relations;

  - **Partnership (General)**
    Documents verifying legal names of all entities constituting the partnership appropriate for the type of each individual entity

  - **Sole Proprietor**
    Birth certificate, passport or other document verifying legal name of the individual

Business Identification Number - this is the number assigned to all registered business names by the Companies Branch of Ontario Ministry of Consumer and Commercial Relations.
Business Name - this is the name under which the Client is operating or trading, and must be provided if it is different from the Client's legal name.

Activity Classification Code/Standard Industrial Code - this is the (Canadian) Standard Industrial Classification (CSIC) code under which the Client's business endeavour is classified, as determined in accordance with the Statistics Canada publication "Standard Industrial Classification", 1980.

> **Note: Do not enter here the United States SIC (USSIC) or International SIC (ISIC) codes. If the applicable CSIC code is unknown to the Client, the Business Activity Description field of the application must be completed.**

Business Activity Description - this is a narrative description of the Client's business endeavour, which must be provided if the Client does not know the (Canadian) Standard Industrial Classification code under which the Client's business endeavour is classified. This may include the products manufactured or sold, services provided, machinery/equipment used, etc.

Section 2. **Client Physical Address**

Client Physical Address is the physical location of the Client's business head office or, if the Client is an Individual or Sole Proprietor, the Client's place of permanent residence.

> **Note: If the Client submits with the application a copy of their Master Business Licence (MBL) obtained from the Ontario Ministry of Consumer and Commercial Relations, this Section does not need to be completed. [See Note under Section 1 - Client Information.]**

The following Client address information is to be provided in this Section:

Civic or **Survey Address** - this is the address identifying physical location within a municipality, unorganized township or an unsurveyed territory, and must be provided as follows:

- **Civic Address (Street Information)** - the type of address used in urbanized areas, consisting of Street Number, Name, Type and Direction, and Unit Identifier, e.g., 437 Park Drive West, Unit 7, **or**

- **Survey Address (Lot/Concession)** - the type of address used in rural and suburban areas of subdivided municipalities, consisting of Lot and Concession Number, e.g., Lot 22, Concession VII, **or**

- **Survey Address (Lot/Plan)** - the type of address used in unsubdivided townships and unsurveyed territories, consisting of Lot Number, and Reference Plan Name and/or Number, e.g., Lots 4, 5 & 6, Plan 4.

  Note: A copy of the reference plan must be submitted with the application.

Non-Address Information - this is any additional information which may clarify location, it may include the community name, location in relation to roads and intersections, etc.

Municipality/Unorganized Township - this is the name of the lower tier municipality or unorganized (geographic) township (not the name of the community/settlement), and it must include the type of municipality (i.e., City, Town, Village, Township, or geographic township), e.g., Barrie City, Cardinal Village, Rideau Township, Canis Bay geographic township.

County/District - this is the name of the upper tier municipality (Regional Municipality, County or District Municipality), or geographic District or territory within which the Municipality/Unorganized Township is located.

> **Note: Do not include in the name the type of the upper tier municipality or geographic district, e.g., Halton (for R.M. of Halton), Simcoe (for County of Simcoe), or Algoma (for District of Algoma).**

Province/State, **Country**, and **Postal Code** - these must be provided.

Telephone Number - telephone number must be provided, and must including area code.

Fax Number and **E-mail Address** - these should be provided if available.

Section 3. **Client Mailing Address**

Client Mailing Address is the address where the Client wishes to receive the approval and any correspondence in relation to this application.

> **Note: If the Client submits with the application a copy of their Master Business Licence (MBL) obtained from the Ontario Ministry of Consumer and Commercial Relations, this Section does not need to be completed. [See Note under Section 1 - Client Information.]**

The following Client address information is to be provided in this Section:

Civic Address or **Delivery Designator and Identifier (Non-Civic Address)** - this is the address identifying location for mail delivery purposes, and must be provided as follows:

- **Civic Address (Street Information)** - this is the type of mailing address used in urbanized areas, and it consists of Street Number, Name, Type and Direction, and Unit Identifier. If the delivery address is a Post Office Box Number, it should be provided in the Street Information area of the form (do not put P.O. Box # in the Unit Identifier area or the Delivery Designator area of the form), e.g., 437 Park Drive West, Unit 7, or P.O. Box 4035, **or**

- **Delivery Designator and Delivery Identifier (Non-Civic Address)** - this is the type of mailing address used in all other than urbanized areas, and it consists of a Delivery Designator (i.e., type of delivery: Rural Route, Suburban Service, Mobile Route, or General Delivery) and Delivery Identifier (i.e., the number identifying a particular Rural Route, Suburban Service, or Mobile Route), e.g., R.R. 2.

Municipality or **Postal Station**

- **Municipality** - this is the name of the lower tier municipality within which the Client's Postal Station is located; the names of unorganized (geographic) townships cannot be used in Mailing Address, and for locations not within an organized municipality, the Postal Station must be identified instead.

- **Postal Station** - this is the name of the Client's Postal Station which is usually the name of the community or settlement within which the Postal Station is located; Postal Station name is only required for locations not within an organized municipality.

Province/State, **Country**, and **Postal Code** -these must be provided.

Section 4. **Site Information**

Site Information includes identification, description and location of the site where the proposed facilities are to be established or activity undertaken. The following site information is to be provided in this Section:

Mobile Facility - this is an indication whether or not the facility which is the subject of the application for approval is a mobile facility.

> **Note: Except for the indication whether or not the facility which is the subject of the application for approval is a mobile facility, the Site Information section does not apply to mobile facilities.**

Site Name - this is the name under which the site is known, e.g., Britannia Landfill Site.

MOE District Office - this is the name of the District Office of the Ministry of the Environment in whose area of jurisdiction the site is located (the District Office where a duplicate copy of the application must be sent by the Client), e.g., Halton-Peel District Office.

Legal Description - this is the legal description of the site as evidenced by a copy of legal survey of the property which must be enclosed with the application.

Civic or **Survey Address** - this is the address identifying physical location of the site within a municipality, unorganized township or an unsurveyed territory, and must be provided as follows:

- **Civic Address (Street Information)** - the type of address used in urbanized areas, consisting of Street Number, Name, Type and Direction, and Unit Identifier, e.g., 437 Park Drive West, Unit 7, **or**
- **Survey Address (Lot/Concession)** - the type of address used in rural and suburban areas of subdivided municipalities, consisting of Lot and Concession Number, e.g., Lot 22, Concession VII, **or**

- **Survey Address (Lot/Plan)** - the type of address used in unsubdivided townships and unsurveyed territories, consisting of Lot Number, and Reference Plan Name and/or Number, e.g., Lots 4, 5 & 6, Plan 4.

  Note: A copy of the reference plan must be submitted with the application.

Site Geo-Reference - this is the geographic location of the site identified as point, line or polygon coordinates of the site in reference to the Universal Transverse Mercator (UTM) grid adopted for this purpose by the Ministry. The Client is encouraged to provide the geo-reference data for all sites, however, if the site is located within an unsurveyed territory or an unsurveyed township (i.e., whose physical address is not a civic address or Lot# and Concession#), the information must be provided, and applications involving such sites will be considered incomplete if the geo-reference data is missing. The geo-reference data required to be provided is as follows:

- **Map Datum** - this is the UTM datum of the map or GPS (Global Positioning System) used to specify position of the point or points of reference; currently, there are two map datums in use in North America, namely, the North American Datum 1927 (NAD27) and NAD83. The NAD83 is preferred as the current Ontario Base Maps are constructed using this datum, however NAD27 is acceptable.

- **Zone** - this is the UTM Zone within which the site is located; there are four UTM Zones within Ontario, namely 15, 16, 17 and 18.

- **Accuracy Estimate** - this is the accuracy (+/- metres) of the provided UTM Northing and Easting coordinates for the point(s) of reference; the accuracy of the data depends on the method the data is generated, e.g., the accuracy of direct geodetic survey may be less than 1 metre, a GPS (depending on its quality) may guarantee accuracy from 1-10 metres to more than 10-30 metres, and a topographic map a 10-100 metre accuracy.

- **Georeferencing Method** - this is the method used to generate the data for the provided UTM Northing and Easting coordinates for the point(s) of reference; these could be determination by geodetic survey, or estimation from a map, a GPS or the Gazetteer (http://geonames.nrcan.gc.ca/cgndb/english/cgndb.html) or any other specified method.

- **UTM Easting** - this is the distance in metres from the western delimiter the point's of reference UTM Zone to the point of reference.

- **UTM Northing** - this is the distance in metres from the equator to the point of reference.

  Note: The site geo-reference point(s) identified in this section must be shown on the general site plan which must be submitted with all applications.

Municipality/Unorganized Township - this is the name of the lower tier municipality or unorganized (geographic) township (not the name of the community/settlement), and it must include the type of

municipality (i.e., City, Town, Village, Township, or geographic township), e.g., Barrie City, Cardinal Village, Rideau Township, Canis Bay geographic township.

County/District - this is the name of the upper tier municipality (Regional Municipality, County or District Municipality), or geographic District or territory within which the Municipality/Unorganized Township is located. Do not include in the name the type of the upper tier municipality or geographic district, e.g., Halton (for R.M. of Halton), Simcoe (for County of Simcoe), or Algoma (for District of Algoma).

Province/State, **Country**, and **Postal Code** -these must be provided.

Adjacent Land Use - this is the existing land use in the lands adjacent to the site; at least one of the provided choices (i,e,. Industrial, Residential, Commercial, Agricultural, Recreational, Drinking Water Supply, or Other) must be identified; if "Other" is checked, it must be explained in the space provided.

Location within NEPDA Development Control Area - this is a statement indicating whether the project is to be located within the area of development control defined by, and is subject to the Niagara Escarpment Planning and Development Act (NEPDA).

> **Note: If the project is subject to the NEPDA, a copy of a NEPDA development permit must be submitted with the application. For information in this issue the Client should contact an office of the Niagara Escarpment Commission in Grimsby, Georgetown or Thornbury.**

Operating Authority - this is a statement indicating whether the Client is to be the Operating Authority for the proposed works.

> **Note: If Client is not the Operating Authority, the name, mailing address and telephone number of the Operating Authority should be submitted as an attachment to the application.**

Owner of the Land (Site) - this is a statement indicating whether the Client is the owner of the site of the proposed works.

> **Note: If Client is not the owner of the site, the name, mailing address of the land owner, and their written consent for the establishment and operation of the proposed facilities must be submitted as an attachment to the application.**

Section 5. **Project Technical Information Contact**

Project Technical Information Contact is an individual identified by the Client as one who is intimately familiar with the technical details of the proposal and may be contacted for any additional technical information that may be required during the Ministry's review of the application. This person would normally be the engineer responsible for the design of the works as they must also have the authority to make design changes where it is necessary for the proposal to meet the Ministry's requirements.

Note: In accordance with the Professional Engineers Act, only properly licensed engineers may practise professional engineering in the Province of Ontario. As such, all engineering associated with applications for approval must be prepared and properly certified by a professional engineer licensed in Ontario. For further details in this regard, please refer to the Professional Engineers Act and the regulations thereunder.

The following information about the Project Technical Information Contact is to be provided in this Section:

Contact Name - this is the name of the individual to be identified by the Client as the Project Technical Information Contact.

Name of Company - this is the name of the Company (e.g., a consulting engineering firm) that the person identified by the Client as the Project Technical Information Contact represents (if applicable).

Contact Mailing Address - this is the address under which the Project Technical Information Contact may be contacted by mail, and in the same way as the Client Mailing Address (see instructions for Section 3 "Client Mailing Address"), must include:

- **Civic Address** or **Delivery Designator and Identifier (Non-Civic Address),**
- **Municipality** or **Postal Station, and**
- **Province/State, Country**, and **Postal Code**.

Contact Telephone Number - telephone number including area code.

Contact Fax Number and **E-mail Address** - these should be provided if available.

Section 6. <u>Project Information</u>

Project Information is the information identifying the project being the subject of the application. The following information is to be provided in this Section:

Type of Application - this item provides choices for the Client to indicate whether the application is a request for a new Certificate of Approval or an amendment to an existing Certificate of Approval. The choice should be made based on the following:

- **New Certificate of Approval** - this choice is to be indicated if the proposed facilities are not associated with any existing waste disposal site, or there is no record of any previous approvals for the existing site,
- **Amendment to Existing Certificate of Approval** - this choice is to be indicated if the proposal involves (a) establishment of new facilities within any existing previously

approved waste disposal site and the new facilities are to become part of the existing waste disposal site, or (b) modifications to any previously approved facilities, or any (c) amendments to the terms or conditions of an existing approval.

Existing Certificate of Approval Number and **Date of Issue** - these are the number and date of issue of the existing certificate that is to be amended, and must be provided if "Amendment to Existing Certificate of Approval" is indicated in the "Type of Application" box . Also, a copy of the existing certificate and any previously issued amending Notices should be enclosed with the application in such a case.

Project Description Summary - this is a brief description of the proposed new or additional facilities (including their size and/or treatment/processing capacity), and/or modifications to the existing facilities (including resulting change in their treatment/processing capacity, if applicable), and/or the requested changes to the terms and/or conditions of the existing approval.

Note: In addition to the Project Description Summary, a detailed description of the proposal should be enclosed with the application, as outlined in Part III of this Guide.

Project Name - this is a project identifier name to which the Client wishes the project to be referred to in any correspondence from the Ministry in relation to the application for approval.

Project Schedule - these are the planned dates for the commencement of the construction/installation and operation of the proposed facilities.

Note: These planned dates do not bind the Ministry, and although in some situations (e.g., facilities proposed to eliminate or reduce an existing health hazard or environmental problem) the Ministry will give consideration to these dates, generally, all applications for approval are processed chronologically in order of their receipt, and they should be filed well ahead of the planned date for the commencement of construction to allow for the required application processing time, as establishment or operation of any waste disposal site without first obtaining an appropriate EPA approval is an offence under the Act and is subject to prosecution. For guidance on this issue please refer to Section 2 ("When to File Applications") in Part I of this Guide.

Present Land Use - this is a description of the current land use of the site being the subject of the application.

Present Official Plan Designation - this is the designation of the subject site as per the current municipal Official Plan, and must be provided if an Official Plan exists for the area where the subject site is or is to be located.

Present Zoning Category - this is the current municipal zoning designation of the area, and must be provided if the area has been zoned.

Maximum Daily Amounts of Waste (which may be received at the site) - these are the maximum daily amounts of various types of waste which the Client receives or expects to receive at the site. These

amounts must be specified in tonnes, cubic metres or litres, separately for each applicable type of waste identified in this section of the form. [Note: If the type of waste does not match any of the specific types of waste and the "Other" type is used to specify the amounts, the type of waste must be described in the space provided.]

Waste Class Names, and **Waste Class Codes** - in this section, the Client must list all classes of subject waste (i.e., waste subject to the manifesting requirement of Regulation 347) which are, or are intended to be, received at the site, specifying the waste class names and codes as identified in the Ministry publication "New Ontario Waste Classes, January 1986".

Days and Hours of Operation - these are the days of week and hours of day during which the site is operating.

Population Served - this is the size of population which is, or is to be, served by the site.

Names of Municipalities Served by the Site - in this section, the Client must list all municipalities served or proposed to be served by the site.

Total Area of Site - this is the total area (expressed in hectares) of the waste disposal site being the subject of the application, including the on-site buffer zone.

Type of Facility/Operation - this is the designation of the type of waste disposal site being the subject of the application for approval which must be identified by checking at least one of the choices provided, i.e., landfill site, transfer site, processing site, incinerator site, and/or other. [Note: If the "other" choice is checked, a description identifying the "other" type must be entered in the space provided.

For all facility type designations checked in this section, the applicable site type specific information sections must be completed, as follows:

Landfill Site Information

- **Area to be Landfilled** - the area (expressed in hectares) of the portion of the landfill site which is intended to be used for landfilling, including areas where landfilling has already taken place.

- **Maximum Estimated Site Landfilling Capacity** - this is the total amount of waste (expressed in cubic metres) which is estimated to be landfilled at the site over its life time.

- **Estimated Date of Closure** - this the estimated date by which the site will reach its capacity and will have to be closed.

- **Control Types** - these are the types of landfill operation controls used and proposed to be used at the site (e.g., gas collection, gas utilization, leachate collection, leachate treatment, surface water management).

- **Monitoring** - this is the landfill operation monitoring carried and proposed to be carried at the site (e.g., methane production, leachate quality, surface water impact, groundwater impact, ambient air impact).

Transfer and/or Processing Site Information

- **Maximum Storage Capacity** - this is the maximum amount of waste (expressed in tonnes, litres and or metres) which may be stored at the site at any particular time.

- **Maximum Residual Waste for Final Disposal** - this is the maximum amount of residual waste (expressed in tonnes per day, litres per day, or cubic metres per day) which may be generated at the site and would require final disposal.

- **Disposal Sites and Certificate Numbers for Final Disposal** - in this section the Client must list the names, locations and Certificate Numbers of all sites intended to be used for final disposal of the transferred and/or processed waste.

Incinerator Site Information

- **Maximum Storage Capacity** - this is the maximum amount of waste (expressed in tonnes, litres and or metres) which may be stored at the site at any particular time.

- **Maximum Feed Rate** - this is the maximum rate (expressed in tonnes per day, or cubic metres per day) at which waste may be fed to the incinerator(s) located at the site.

- **Disposal Sites and Certificate Numbers for Final Disposal** - in this section the Client must list the names, locations and Certificate Numbers of all sites intended to be used for final disposal of the incinerator ash or other residual waste.

Section 7. Other Approvals/Permits

In the Other Approvals/Permits section of the application form, the Client is to identify all other approvals and/or permits that are required for the proposed works under the Acts and Regulations administered by the Ministry of the Environment, namely the Ontario Water Resources Act and the Environmental Protection Act, and indicate whether these approvals/permits have been obtained or applied for.

Section 8. Public Consultation/Notification

In the Public Consultation/Notification section of the application form, the Client is to identify all public consultation and notification related to the project, such as public hearings, notification to the First Nations, etc., that has been completed or is in the process of being completed.

Section 9. Environmental Bill of Rights (EBR) Requirements

In the Environmental Bill of Rights (EBR) Requirements section, the Client must indicate whether the proposal is subject to any requirements of the Act Respecting Environmental Rights in Ontario Act, also called the Environmental Bill of Rights (EBR), and if so, whether or not the proposal is believed to be excepted from the EBR public participation requirement, and for those believed to be excepted, the reason for exception, as follows:

Proposal for a Prescribed Instrument under EBR - in this box, the Client must indicate whether or not the application is a proposal for an approval which is a prescribed instrument under the EBR. All types of EBR prescribed instruments (i.e., the types of instrument proposals subject to any EBR requirements) are listed and classified in Regulation 681/94, "Classification of Proposals for Instruments", issued under the Act Respecting Environmental Rights in Ontario Act.

> **Note: In accordance with Reg. 681/94, a section 27 EPA approval (waste disposal sites) is an EBR prescribed instrument only if the proposed waste disposal site is not an organic soild conditioning site, mobile processing equipment or a proposal for 12 days or less. [For further details, please refer to "Environmental Bill of Rights" in Appendix A of this Guide.]**

Proposal Excepted from Public Participation - in this box, if the application is a proposal for an EBR prescribed instrument, the Client must indicate whether or not the proposal is believed to be excepted from the public participation requirement under the EBR.

> **Note: The EBR allows for exception from the public participation requirement only in the specific situations identified under the Reasons for Exception from Public Participation below, and if none of the allowed reasons is applicable, the proposal cannot be excepted from public participation.**

Reasons for Exception from Public Participation - in this box, if the proposal is requested to be excepted from public participation, the Client must indicate which of the situations identified by the EBR as legitimate reasons for exception from the public participation requirement, is applicable to the proposal. One of the following options (reasons) provided in the application form must be checked, and where applicable, the required additional information must be provided:

- **Equivalent Public Participation (section 30, EBR)** - An equivalent public participation is a situation where all environmentally significant aspects of the proposal have already been considered in a process of public participation that was substantially equivalent to the requirements under the EBR.

  Note: Where this situation is indicated as applicable to the proposal, the Client must include with the application an attachment providing details of the completed province-wide public participation including: type of the province-wide public participation, how it was conducted, number of people that participated, the type

of public comments, actions taken as a result of the public comments, an indication whether or not this Ministry's staff were involved in the process, and documentation verifying the public participation.

- **Emergency (section 29, EBR)** - An emergency is a situation where the delay involved in giving notice to the public, allowing time for public response to the notice, or considering the response to the notice would result in danger to health or safety of any person, harm or serious risk of harm to the environment, or injury or damage or serious risk of injury or damage to any property.

  Note: Where this situation is indicated as applicable to the proposal, the Client must include with the application an attachment providing information demonstrating that there is an emergency situation and that the proposal will minimize the adverse effects of the emergency situation.

- **Environmentally Insignificant Amendment or Revocation (section 22, EBR)** -An environmentally insignificant amendment or revocation is a proposal for an amendment to, or revocation of, an existing approval which will have insignificant effect on the environment.

  Note: Where this situation is indicated as applicable to the proposal, the Client must include with the application an attachment providing information demonstrating that the proposed amendment/revocation will have no significant impact on the environment.

- **EAA or Tribunal Decision (section 32, EBR)** - An EAA or tribunal decision is a situation where the proposal is a step towards the implementation of an undertaking proceeding in accordance with a completed environmental assessment process approved under the Environmental Assessment Act, a step toward implementing an undertaking that has been exempted by a regulation under the EAA, or a decision of a public tribunal after affording an opportunity for public participation. (All EBR subject waste disposal sites undertaken by municipalities fall within this definition of an excepting situation.)

  Note: The exception from Section 22 EBR, i.e. the mandatory notification, undertaking of significant public interest may also be posted under Section 6, EBR for information only.

  Note: Where this situation is indicated as applicable to the proposal, the Client must provide proof of completion of the applicable environmental assessment process, the exempting regulation, or a copy of the tribunal decision.

  Note: For further clarification on the issues of EBR, please refer to the Ministry publication entitled "The Requirements of the Environmental Bill of Rights for Prescribed Instruments".

Section 10. Environmental Assessment Act (EAA) Requirements

In the Environmental Assessment Act (EAA) Requirements section, the Client must indicate whether the proposal is subject to the EAA, and if so, how the applicable EAA requirements have been fulfilled. One of the following options provided in the application form must be checked, and where applicable, the required additional information must be provided:

- The undertaking is subject to the Environmental Assessment Act and is **proceeding under** an individual EA process approved by **an Environmental Assessment Process Approval Notice.** [Note: The Notice must be identified in the space provided, and a copy enclosed with the application.]

- The undertaking is **not subject to the EAA.** [Note: The Act stipulates that a project is subject to the requirements of the EAA if it is undertaken by a provincial or municipal government or any of their agencies, or if the project is specifically designated by the EAA, or a regulation issued under the EAA, to be subject to the requirements.]

  Note: Under the Environmental Assessment Act (EAA) it is prohibited to grant an approval under any Ontario statute for an undertaking subject to the EAA unless all applicable requirements of the EAA have been first satisfied. Applications for approval of EAA subject proposals will be returned to the Applicant if it is determined that the applicable Environmental Assessment (EA) process has not been completed. For further clarification of the requirements of the EAA, please refer to the Application of the Environmental Assessment Act (EAA) to Waste Management Facilities in Part III of this Guide.

For more information on application of EAA to waste management facilities, please refer to Appendix 1.

Section 11. Supporting Information Checklist

The Supporting Information Checklist includes all major types of information and documentation which may be required in support of an application for approval of waste disposal sites. [Note: A detailed outline of the supporting information and documentation requirements for various types of waste disposal site proposals is provided in Part III of this Guide.]

The Checklist must be completed as follows:

- For all its items of the Checklist (i.e., all listed types of supporting information), the Client must indicate in the **"Attached" column** whether or not a particular type of information is enclosed with the application to ensure that where a particular type of information is not submitted with the application, it is not by omission but because the Client has determined that the type of information is not relevant to the proposal.
- For all submitted supporting information whose type is one of those listed in the Checklist, the Client must identify in the **"Reference" column** the attachment which

contains the information (e.g., report name and chapter/page number, or drawing title, number, revision number and date), and indicate in the **"Disclosable" column** whether or not the Client considers the submitted information confidential. [Note: For clarification on the issue of confidentiality and release of information, please refer to "Public Notification and Access to Application Information" in Part I of this Guide]

- For any submitted supporting information which does not fall within the definition of any of the specific items of the Checklist, the Client should identify it in the "Other Attached Information" item, and complete the item as above.

- Where the Client wishes the Ministry to consider as supporting information for the application any information submitted previously (e.g., with another application), the "Attached" column of the item should be checked as "No", and the "Reference" column must identify the Certificate of Approval number and the associated document which contains the information.

Section 12. Application Fee

Service Cost Recovery Charge is the application processing charge required in order to recover cost incurred by the Ministry in processing the application for approval. The charge applicable to a particular application is established in accordance with the Ontario Regulation 363/98 entitled "Regulation Made Under the Environmental Protection Act - Fees - Approvals". The Regulation sets out in detail the fee components applicable to various types of applications for approval and their individual aspects.

The Service Cost Recovery Charge table of the application form must be completed based on the **Summary of Cost sheet enclosed with the application form**, as follows:

Category Code and **Category Description** - these are identifiers of an individual aspect of a particular type of application for approval (cost category) to which a separate fee applies, as per the Summary of Cost sheet. All cost categories applicable to the particular application for approval must be listed in the Service Cost Recovery Charge table.

Amount - this is the individual fee amount applicable to the individual cost category, as per the Summary of Cost sheet.

Quantity - this is the number indicating how many individual facilities or systems under a particular cost category are the subject of the application for approval.

SubTotal - this is the total amount of fee under a particular cost category applicable to the application for approval.

Total - this is the total amount of fee required for the application for approval, i.e., the application's Service Cost Recovery Charge.

Note: For further clarification the Client should also refer to the Regulation or to the current Application Cost Guide available from the Ministry, that is:

Guide - Costs for EPA S. 27 Applications- Supplement to Application for Approval.

Section 13. **Statement of Client**

Statement of Client is the Client's affirmation that to the best of their knowledge, the information provided in the application form and the submitted supporting documentation is accurate and complete, and that the person identified in the application as the Project Technical Information Contact is authorized to act on the Client's behalf for the purpose of obtaining approval for the proposed works. This section must be completed as follows:

Name, and **Title** - these are the name and title of the Client (if the Client is an individual or a sole proprietor), or an individual authorized to sign documents on behalf of the Client.

Note: If the person signing the application is not the Client who is an individual or a sole proprietor, or where the Client is a corporation, if the person signing the application is not an officer of the corporation identified in the documents of incorporation (e.g., President, CEO, CAO, Municipal Clerk), the Client's written authorisation for the person signing the application must be enclosed with the application. For example, in case of a partnership, if one of the partners is signing the application, that person must be authorized by the other partners to do so on their behalf.

Signature, and **Date** - the application must be signed and dated by the person identified above.

Note: It is an offence under Section 184 of the Environmental Protection Act to knowingly give false information to the Ministry of the Environment with respect to matters under the EPA.

Part III - APPROVAL REQUIREMENTS AND PROCESS

LANDFILL SITES

1. APPROVALS PROCESS

Applications for new or expanded landfill sites for disposal of liquid industrial waste, hazardous waste or domestic waste in excess of 1,500 persons equivalent are subject to the Part V, Section 27 and 30 of the Environmental Protection Act (EPA). Applications for new or expanded landfill Sites for disposal of solid non-hazardous waste serving a population of less than 1500 people are subject to Part V, Section 27 and 32 of the EPA.

Ministry's new regulation for landfill sites, O.Reg. 232/98, which came into effect August 1, 1998, details requirements for designing a new landfill site for municipal waste and for preparing an application for a certificate of approval, as well as imposing specific requirements and standards to the site and design operations. Requirements for financial assurance are also discussed in detail in this regulation. The regulation applies to new or expanded landfill site with a final capacity greater than 40,000 cubic metres and which receive municipal solid waste. O. Reg. 347 prescribes approval requirements for service area changes to landfill sites.

2. DOCUMENTS REQUIRED FOR REVIEW OF APPLICATION

In addition to a completed application for a Certificate of Approval, two separate documents are required when submitting an application for approval of a landfill site under Part V, EPA:

A. **Hydrogeological Assessment Report** of the proposed site and vicinity which describes the existing hydrogeologic conditions and the estimated impacts from waste disposal on ground and surface water on the proposed site and along the property boundaries.

B. **Design and Operations Report** describing in detail site preparations for landfilling, daily operation, environmental control measures, site development and closure, and post-closure monitoring and maintenance. A contingency plan outlining remedial measures for implementation in the event of unexpected environmental impacts should be identified.

C. **Financial Assurance** is required for private sector landfill sites for the closure, post closure care and contingency plans.

For a more detailed description of the Hydrogeologic Study, Operation and Development Plan, and Financial Assurance, the O.Reg. 232/98 should be consulted. The regulation is contained in the publication "Landfill Standards, A Guideline on the Regulatory and Approval Requirements for New or Expanding Landfill Sites", May 1998. For service area changes, reference should be

made to the guide, " Approval Procedure for Landfill Site Service Area Changes", December 1994.

INCINERATOR SITES

1. APPROVALS PROCESS

The approval requirements for incinerators depend on the amount and type of waste to be incinerated and other specific provisions given in O.Reg. 347. For more information on incinerator design and operation, the following guidelines should be consulted. Please note that even though the ban on incineration has been lifted, the third suggested guideline in the following list can still be a good source for other relevant information.

Combustion and Air Pollution Control Requirements for New Municipal Waste Incinerators, December 1995

Guidance for Incinerator Design and Operation, Volume I, General Waste, December 1988

Determination of Thermal Processes Allowed under Regulation 555/92 Incineration Ban

Various types of incinerators are identified in O.Reg. 347 and include the following:

- On-Site incinerators at the site of a veterinary hospital
- Incinerators at the site of a crematorium within the meaning of the Cemeteries Act
- Waste-derived fuel site
- On-site incinerators
- Incineration sites

A. Veterinary and Crematorium Incinerators

Incinerators associated with veterinary hospitals or crematoria are exempt from Part V of the EPA by Section 5 of O.Reg. 347. This exemption only applies if the veterinary hospitals are burning their own waste.

B. Waste-Derived Fuel Sites

Liquid industrial and hazardous wastes that meet the MOE Waste Drived Fuel Criteria, as established in O.Reg. 347, are considered to be waste drived fuels (WDF). Wastes that do not meet the MOE Waste Derived Fuel Criteria and are intended to be used as a fuel are considered to be hazardous waste (refer to Incineration Sites).

The approvals process for WDF sites is presented in Section 28 (3) of the O.Reg. 347.

C. On-Site Incinerators

An on-site incinerator is defined as an incinerator located at a site used principally for functions other than waste management in which only waste generated on that site is incinerated. A site means one property and includes nearby properties owned or leased by the same person where passage from one property to another involves crossing, but not travelling along, a public highway. Section 28(1) of O.Reg. 347 exempts on-site incinerators from the operation of Section 27 of the Act, that is, an on-site incinerator does not require a Part V approval on condition that no hazardous waste or liquid industrial waste is incinerated therein. A hazardous or liquid industrial waste on-site incinerator is subject to approval under Part V of the EPA, however under subsection 28(2) it is exempt from being the subject matter of a mandatory hearing under subsection 30(1) of the EPA. Discretionary hearings however can be held for such proposals. It should be noted that **all** on-site incinerators require approval under Section 9 of the EPA for the discharge to air.

D. Incineration Sites

Waste incinerators, including energy from waste incinerators receiving off-site wastes, are considered final disposal sites and are subject to the normal approvals process. Sites receiving hazardous and liquid industrial wastes or municipal or solid non-hazardous waste in excess of 100 tonnes per day are subject to approval under Section 9 for discharge to the air, Section 27 and 30 of the EPA. Sites receiving solid non-hazardous waste less than 100 tonnes per day are subject to approval under Section 9 for discharge to air and Section 27 and 32 of the EPA.

For biomedical waste incinerators, the Biomedical Waste section of this guide may be consulted.

2. DOCUMENTS REQUIRED FOR REVIEW OF APPLICATION

Along with a completed application for a Certificate of Approval (Air) and an application for a Certificate of Approval for a Waste Disposal Site, the following supporting information is required to assess the proposals:

A. **Design and Operations Report** - A Design and Operations Report providing information at a conceptual level of detail on all aspects of the facility and its potential impacts should be submitted. Detailed plans and specifications of the combustion equipment and pollution control devices are dealt with under the Section 9 application. The level of detail provided in the Part V application on the combustion equipment and pollution control devices must be sufficient to readily confirm the feasibility of the proposed design. The type of information required in the Design and Operation Report is as follows:

1. hours and days of operation,

2. **Site Plan / Location Map** site plan showing incinerator, pollution control devices, buildings, property lines, access, on-site roads, etc., and a plan showing nearby properties and receptors and land use compatibility,

3. waste types, quantities and characteristics and waste unloading, handling and feed system,

4. incinerator design (conceptual),

5. emission controls (conceptual),

   - expected emissions
   - emergency stack operations
   - monitoring program
   - impact modelling (Reg. 346 standards and CAP models)

6. ash/liquid effluent classification, quantities, handling and disposal,

O.Reg. 347, as amended effective September 1, 1990, defines three categories of residue from incinerator operation:

incinerator ash means ash which remains at the bottom of the incinerator after complete burnout,

flyash means ash which goes up the stack and is removed prior to discharge,

incinerator waste means ash that has not been burned enough to have less than 10% combustible materials and therefore remains as non-combustible residue at the bottom of the incinerator.

Prior to September 1, 1990, there was an automatic exclusion from being hazardous waste for "ash resulting for the incineration of domestic waste or other waste of a similar character", in other words, excluding both flyash and incinerator ash. Recent tests indicate that contaminants in domestic-source flyash sometimes fail the MOE's leachate test. The amendment removes "flyash" from this exclusion and, where flyash proves to be hazardous, imposes restrictions on its management. These restrictions require it to be handled separately from incinerator ash and disposed of at sites particularly approved for such hazardous waste. As a result, both bottom ash and flyash should be tested following the procedures specified in O.Reg. 347.

7. truck traffic (volumes and access routes) as well as potential noise impacts and mitigation (facility and truck traffic),

8. monitoring and control program for odour, litter and dust,

9. facility maintenance requirements and procedures,

10. emergency operation and contingency plans and

11. detailed site and waste handling procedures as included in the Waste Transfer Station and Waste Processing Site of this guide.

For WDF sites, in addition to a completed application for a Certificate of Approval (Air) and an application for a Certificate of Approval for a Waste Disposal Site, the following supporting information is required:

1. The origin of the waste material, ie. whether or not the waste material is generated on the site where the combustion equipment is located (on-site waste) or it is hauled to the combustion site from another site (off-site waste),

2. The type of waste material, ie. solvents, crankcase, diesel, hydraulic oil, blend, etc.,

3. On-site storage method, capacity and processing details,

4. Technical specification of the combustion equipment and description of end use of the heat produced ie. steam boiler, air heater etc.,

5. The proposed maximum, continuous waste material firing rate; the frequency, if intermittent; and the clean fuel firing rate, if co-fired with waste material and

6. Chemical analysis of a representative sample, including, as a minimum, the parameters listed in the MOE Waste Drived Fuel Criteria.

B. Financial Assurance

The Ministry also requires information on financial assurance for the implementation of remedial measures, if necessary, in the event of a spill, fire or waste abandonment. For more information, reference should be made to the Financial Assurance Guideline.

WASTE TRANSFER STATIONS

1. APPROVALS PROCESS

A transfer station is defined as a waste disposal site used for the purpose of transferring waste from one vehicle to another for transportation to another waste disposal site. This would include Household Hazardous Waste Facilities. Waste transfer stations are subject to Section 27 and 32 of the EPA.

2. DOCUMENTS REQUIRED FOR REVIEW OF APPLICATION

In addition to the completed application for a Certificate of Approval for a Waste Disposal Site, the following information is required:

A. Design and Operations Report

As supporting documentation, a Design and Operations Report is to be submitted containing the following information:

1. **Site Plan / Location Map** A plan showing the topography, land use, official plan designation and zoning of the surrounding area and a plan, showing the location and dimensions of all buildings, bermed areas, on-site roads, unloading areas, loading areas and tanks, etc..

2. Proposed hours and days of operation. Number of days to be open per year.

3. Details of facility maintenance and inspection and staff training.

4. A description of the wastes to be accepted at the site and waste screening procedure. Subject wastes will require registration in accordance with the O.Reg. 347.

5. An estimate of the maximum amount of material to be stored on-site and the maximum storage time. This figure shall include the maximum quantity of waste to be received at the site per day (tonnes) and the maximum storage capacity for processed material, wastes and products.

6. A detailed calculation to justify the storage of the maximum amount of material as specified above.

7. A detailed description of the movement of wastes onto the site, through the storage and processing operations and final shipment of processed and waste materials from the site. This must include a process schematic and a material balance, a description of the processes, the equipment and technology used, types

and quantities of process residues, how waste is transported onto the site, stored or otherwise managed on-site and during shipment off-site.

8. A list of sites where wastes will be disposed of, including confirmation that the receiving site is approved to accept the waste.

9. Details of site fencing, overall site security, vehicle routes within the site and record keeping.

10. A decommissioning plan for eventual closure, addressing procedures for equipment/buildings, dismantling and demolition, site restoration and final residue disposal must be submitted.

11. Contingency measures for spills, potential fire, explosions, flooding and other emergencies, including staff training, available equipment, company and Ministry notification procedure.

12. If there is any discharge to the air (including dust and noise), an application for approval under Section 9 of the EPA must be submitted.

B. <u>Additional Requirements for Liquid Industrial/Hazardous Waste</u>

1. Details of the design of drum, storage tank and other storage areas including specific tank locations and identification of tanks for each Ministry waste class number and description. A schematic diagram of the interior of the process or storage within buildings.

2. Storage tank specifications including tank dimensions, maximum volume, volume monitoring device, venting, type and gauge of material, type of assembly, tank foundation, piping and coating to prevent chemical leakage.

3. The waste segregation program should be described and shown on a site plan to ensure hat storage tanks and storage areas are situated in a fashion that prevents incompatible wastes from coming in contact through a spill or other means. Drums containing chemicals which react together should be segregated in separate bermed areas.

4. Details of piping layout and pump locations.

5. A calculation to show that the design and capacity of the berms which are required around the tanks is consistent with the October 1978 MOE guideline entitled "Guidelines for Environmental Protection Measures at Chemical Storage Facilities". The details of the berm and base of the storage area must be given

including dimensions, material and permeability taking into consideration the nature of the waste material.

6. A written statement form a professional Engineer indicating the storage facility complies with the above guideline. Any variation from the guideline must be specified and justified by the engineer.

C. Drainage Study

1. Run-off water originating at the facility's storage, loading and unloading areas should be separately controlled. A detailed plan of storm water management including calculations of volumes of storm water run-off based on a properly selected rain fall intensity curve (for example, a 20 year storm), volume of storm water storage, monitoring, grading of ditches, surface elevations indicating the direction of drainage, and a discussion of what will be done with rain water which becomes contaminated with liquid industrial or hazardous wastes. Section 53 OWRA approval is required if there is a discharge to surface water.

2. Written approval from the local municipality for any discharges to the sanitary sewer should be submitted along with the predicted effluent quantity and quality for this discharge.

D. Financial Assurance

The Ministry also requires information on financial assurance for the implementation of remedial measures, if necessary, in the event of a spill, fire or waste abandonment. For more information, reference should be made to the Financial Assurance Guideline.

WASTE PROCESSING SITE

1. APPROVALS PROCESS

A Waste Processing Site (WPS) is a site that manages or prepares waste for subsequent reuse or disposal. Centralized composting facilities are those facilities receiving waste (ie. leaf and yard or the wet component of municipal solid waste) from various sources (ie. towns, municipalities, etc.) and are required to fulfill the waste processing requirements (also see section on Composting).

Waste processing sites, from both the private and public sectors, are subject to Part V, Section 27 and 32 of the EPA. Approval under Section 9 of the EPA is required for air emissions from any processes or venting.

2. DOCUMENTS REQUIRED FOR REVIEW OF APPLICATION

Each application for approval of a WPS under Part V of the EPA should be accompanied by the following in order for the Ministry to conduct a formal review:

A. Design and Operations Report

The Design and Operations Report should contain the following information:

1. **Site Plan / Locations Map** A detailed survey plan of the site including the location and dimensions of all buildings, bermed areas, on-site roads, unloading areas and tanks, as well as a plan showing the topography, land use, official plan designation and zoning of the surrounding area.

2. A detailed description of the process to be utilized, including a description of the equipment and technology to be used.

3. Design of the drum, storage tank and other waste storage areas, including the assigning of tanks and areas to specific types of wastes. A schematic diagram of the interior of the process or storage areas within buildings should be provided.

4. Storage tank specifications, including tank dimensions, maximum volume, level monitoring device, type and gauge of material, type of assembly, type of coating to prevent chemical corrosion and type of venting.

5. The waste segregation program should be described and shown on a site plan to ensure that storage tanks and storage areas are situated in a fashion that prevents incompatible wastes from coming in contact through a spill or other means.

Drums containing chemicals which react together should be segregated in separate bermed areas.

6. A calculation to show that the design and capacity of the berms which are required around the tanks is consistent with the October 1978 MOE guideline entitled "Guidelines for Environmental Protection Measures at Chemical Storage Facilities". The details of the berm and base of the storage area must be given including dimensions, material and permeability taking into consideration the nature of the waste material. Concrete containment structures are preferred.

7. Labelling of storage containers and areas and vehicle routes within the site.

8. The maximum quantity of each type of waste to be processed annually should be identified. Waste screening procedures and criteria to ensure waste compatibility with storage containers and nearby wastes in storage.

9. The types and quantities of waste generated and how they are to be managed and disposed of.

10. List of process parameters to be monitored and monitoring procedures.

11. Record keeping, including waste classifications, the rates and volumes of waste processed, including reagents used in the process.

12. Reporting procedures to the Ministry, including any monitoring results, spills, volumes and types of wastes received and processed.

13. Details of site fencing, security and hours of operation. Details of facility maintenance and inspection, staff training and the qualifications of senior staff supervising operations on site.

14. Details of contingency plans, staff training and equipment available to handle emergencies which may arise.

B. <u>Drainage Study</u>

1. Run-off water originating at the facility's storage, loading and unloading areas should be separately controlled. A description and plan of the storm water management system, including calculations of volumes of storm water run-off, based on a properly selected rainfall intensity curve (e.g. a 20 year storm), volume of storm water storage, grading of ditches and surface elevations indicating the direction of drainage. Surface drainage affecting the remainder of the site should be described and shown on a plan. Section 53, OWRA approval is required if there is a discharge to surface water.

2. Written approval from the local municipality for any discharges to the sanitary sewer should be submitted along with the predicted effluent quantity and quality for this discharge.

C. Financial Assurance

The Ministry also requires information on financial assurance for the implementation of remedial measures, if necessary, in the event of a spill, fire or waste abandonment. For more information, reference should be made to the Financial Assurance Guideline.

MOBILE WASTE PROCESSING FACILITIES

1. APPROVALS PROCESS

The processing of a waste at a generator's site by a third party using a mobile treatment facility requires approval under Part V of the EPA. O.Reg. 347 does not specifically define mobile waste facilities, however, this approval procedure has been developed to deal with transportable machinery or equipment which is intended to process waste. O.Reg. 352 dealing with mobile PCB destruction facilities served, in part, as the model for setting these procedures.

Mobile processing units are subject to approval under Part V of the EPA and where the operation of the mobile unit will generate any form of atmospheric emissions, approval under Section 9 of the EPA. Two Provisional Certificates of Approval are issued for mobile units: a Provisional Certificate of Approval for a Waste Disposal Site (Processing) and a Provisional Certificate of Approval for a Waste Management System. The Waste Disposal Site (Processing) approval is issued for the technical operation of the unit at any site. The Waste Management System approval that accompanies the site approval grants approval for the unit to be transported from one site where the unit has been operated to another.

Where an applicant proposes to locate a mobile unit at a central location and have waste transported to the central location for processing, the mobile unit approvals procedure should not be followed. Mobile units are approved on the basis that they treat the waste at the site of generation and are located at a site only for a short time. The establishment of a central location for the treatment of wastes transported from many generators is in effect the establishment of a fixed facility. Such a facility should be approved following the normal approvals procedure for such facilities.

2. DOCUMENTS REQUIRED FOR REVIEW OF APPLICATION

Along with a completed Application for a Certificate of Approval for a Waste Disposal Site (Processing), a completed Application for a Certificate of Approval for a Waste Management System and a completed Application for a Certificate of Approval (Air), as required, the following documents are needed for a mobile waste processing facilities:

A. Design and Operations Report

The Design and Operations Report should include the following:

1. A clear description of the equipment and technology to be used, the waste classes to be processed, including the sequence of steps (flowchart) for each of the waste classes from the time the waste stream enters the mobile unit up to the point at which all processing/treatment operations cease.

2. The number of units to be operated as part of the system and any differences in the construction or technology of additional units from that described in the items listed above.

3. A detailed QA/QC, sampling and analysis program for waste influent, waste effluent, other waste streams generated by the mobile unit. A list of monitoring parameters and frequency of monitoring should be provided.

4. The area to be served by the mobile unit, days and hours of operation anticipated and the physical location of where the mobile unit will be stored or parked when not is use.

5. Site preparation and planning details as well as procedures followed when operations are complete and mobile unit is to be moved off site.

6. System processing and storage capacity.

7. Record keeping including waste classifications, the rates and volumes of wastes processed, reagents or flocculants used in the process, etc.

8. Wastes generated through the operation of the mobile unit including the MOE waste classification, quantities and how the wastes are to be managed for disposal. A list of process parameters to be monitored including sample data.

9. Description of any air emissions resulting from the operation of the mobile unit.

10. Contingency measures for spills or fire and containment systems in place as well as the reporting procedures to the Ministry.

11. **Site Plan / Location Map** Drawings (preferably a plan and elevation drawing) indicating the dimensions, separation distances and location of various equipment and the overall dimensions of the mobile unit.

B. Financial Assurance

The Ministry also requires information on financial assurance for the implementation of remedial measures, if necessary, in the event of a spill, fire or waste abandonment. Financial assurance requirements for Mobile Waste Processing Facilities are as follows:

liquid/hazardous waste ..... $20,000 per unit
non-hazardous solid ..... $ 5,000 per unit

an upset limit for a particular company of 10 times the single unit amount (ie. $200,000 and $50,000 respectively).

COMPOSTING

1. APPROVALS PROCESS

O.Reg. 347 defines composting as the treatment of waste by aerobic decomposition of organic matter by bacterial action for the production of stabilized humus. Compost is a material containing at least 30% organic material which has been produced by aerobic decomposition. It does not include material composted solely from agricultural wastes.

Sites which generate and compost the waste within their own boundaries (ie. home composting) do not require Part V, EPA approval.

Central composting which refers to centralized facilities constructed to receive "wet waste" (wet component of municipal solid waste) or leaf and yard waste require approval under Section 27 and 32 of the EPA unless exempt by regulation. O.Reg. 101/94 exempts sites for composting leaf and yard waste under prescribed conditions. Also, compost generated is exempt from Part V approval if it complies with the compost criteria. O.Reg 101/94 should be consulted for more information on recycling and composting requirements of municipal waste.

For centralized facilities which will be filtering air (ie. Biofilters), from within the compost facility, prior to discharge to the environment, will require a Section 9 air approval. A Section 9 air approval would also be required for any facility which incorporates an air filtering system prior to discharge to the environment, unless exempt by O.Reg. 101/94.

In the case of an effluent discharge to a receiving water course, the facility is subject to approval under Section 53 of the OWRA.

2. DOCUMENTS REQUIRED FOR REVIEW OF APPLICATION

Along with a completed Application for a Certificate of Approval for a Waste Disposal Site (Processing), a completed Application for a Certificate of Approval (Air) and completed Application for Certificate of Approval (Sewage Works), as required, the following documents should be submitted:

A. Design and Operations Report

The report should address operational activities which will ensure that leachate, contaminated surface water and potential odours from the facility are adequately controlled; and that the compost has been prepared so as to ensure pathogen destruction. The following is a detailed description of the requirements of this report:

1. **Site Map / Location Plan** A map showing total area of the site location and zoning, zoning of adjacent properties, the nearest residence, the proximity of residential areas, the

nearest well, the nearest occupied industrial or commercial building and the nearest watercourse.

2. A site plan showing existing and proposed buildings, access roads, fencing for litter control, composting areas, orientation of the windrows and spacing between them to allow for access by maintenance and emergency equipment, drainage and leachate collection plan, paved areas.

3. A detailed description of the process facilities and equipment including the type of base for the compost and mixing area, description of any additives to be used and method of their addition, length of compost stabilization period and monitoring arrangements proposed.

4. Designed capacity of proposed facility, source and type of the incoming material.

5. Details of air injection, leachate recirculation and exhaust control systems (if applicable) and/or the frequency and method of turning or mixing.

6. Monitoring and control programs for noise, odour, litter, dust as well as fire protection and control provisions.

7. Contingency plan should outline measures to be taken should the compost not meet final quality criteria.

8. **Intended Final Use of Compost Product** The final use of the compost will influence the final quality requirements. For example if the material is intended for use as a cover at a landfill site, the compost characteristics for final quality will not be as stringent as that intended for gardening use. For more information, the Interim Guideline for the Production and Use of Aerobic Compost in Ontario, November 1991, should be consulted.

B. Hydrogeological Assessment Report

The Hydrogeological Assessment Report is required if the composting operation is to occur out doors on the natural base and it should address the effects of the proposed composting facility on ground water. This would include identifying existing hydrogeological conditions below and down gradient of the proposed facility. Locating a composting facility on a concrete or asphalt pad does not preclude ground water contamination due to the potential cracking of the pads. The following is a detailed description of the requirements of this report:

1. Outline soil composition, stratigraphy, groundwater flow and depth to water table.

2. Anticipated quality of leachate and leachate attenuation capability of the soils.

3. Determination of possible exceedance of the Ministry's "Reasonable Use Document".

5. Proposed monitoring program for chemical and physical parameters.

6. Contingency plan.

C. Drainage Study

1. A detailed description of surface and sub-surface drainage handling methods and location of sewer drains. A description and plan of the storm water management system, including calculations of volumes of storm water run-off, based on a properly selected rainfall intensity curve (e.g. a 20 year storm), volume of storm water storage, grading of ditches and surface elevations indicating the direction of drainage. Surface drainage affecting the remainder of the site should be described and shown on a plan. Section 53, OWRA approval is required if there is a discharge to surface water.

2. Written approval from the local municipality for any discharges to the sanitary sewer should be submitted along with the predicted effluent quantity and quality for this discharge.

D. Financial Assurance

The Ministry also requires information on financial assurance for the implementation of remedial measures, if necessary, in the event of a spill, fire or waste abandonment. For more information, reference should be made to the Financial Assurance Guideline.

BIOMEDICAL WASTE

1. APPROVAL PROCESS

The term "biomedical waste" has been defined in the 1986 guideline document entitled "Guidelines for the Handling and Disposal of Biomedical Waste from Health Care Facilities and Laboratories". The disposal options for biomedical waste are currently as follows:

A On-site incineration (existing and new)
B. On-site disinfection technology
C. Off-site incineration
D. Off-site disinfection technology

The approval requirements are discussed in detail in the following section.

A. On-Site Incineration

On-site incineration has traditionally been the common method of disposal of biomedical waste. Existing hospital incinerators are exempt under Section 29 of O.Reg. 347 from requiring Part V approval provided:

a. an annual report is submitted to the Director on the operation of the incinerator,

b. the incinerator is owned by a hospital and was in operation prior to December 31, 1985.

An existing hospital incinerator is permitted to continue to burn its own biomedical waste as well as biomedical wastes from other institutions without having a Part V Certificate of Approval providing that they were approved to do so prior to December 31, 1985. If the hospital wishes to make changes to the capacity of the incinerator or wishes to receive additional wastes from other institutions, it must apply for a Part V approval.

A new or revised on site incinerator for hazardous biomedical waste requires a Provisional Certificate of Approval for a Waste Disposal Site. If only on-site waste is incinerated, the site is subject to approval under Section 9 and Part V of the EPA and a public hearing is discretionary under Section 32 of the EPA.

B. On-Site Disinfection

An acceptable alternative to the incineration of non-anatomical infectious waste is decontamination by a technology acceptable to the Ministry of Environment, Standards Development Branch and the Ministry of Labour. Part V approval is not required for on-site processing of biomedical waste; However, with any direct discharge to the outside air, a Section 9 Certificate of Approval (Air) would be required. Once this waste has been properly sterilized, it is considered decontaminated biomedical waste and may be disposed of directly in a municipal landfill.

C. Off-Site Incineration

Off-site biomedical waste (i.e., containing hazardous, pathological waste) incinerators are subject to Section 9 approval for discharge to the air and are subject to a mandatory hearing under Section 30 of the EPA. **For further information refer to the section on Incinerator Sites.**

D. Off-Site Disinfection Technology

Decontamination by a technology acceptable to the Standards Development Branch of the Ministry of the Environment and the Ministry of Health is subject to Section 9 of the EPA for discharge the air and is subject to a discretionary hearing under Section 32 of the EPA

2. DOCUMENTS REQUIRED FOR REVIEW OF APPLICATION

A completed Application for a Certificate of Approval for a Waste Disposal Site and a completed Application for a Certificate of Approval (Air), is required for biomedical waste incinerator and biomedical waste processing, if required. For technical requirements, applicants may refer to the Waste Incinerator or Waste Processing section of this guide.

3. POLICIES

The following section provides a summary of Ministry policies and regulations that apply to biomedical waste management.

The Management of Biomedical Waste in Ontario, Guideline C-4

This guideline references two MOE publications:

a. Guidelines for the Handling and Disposal of biomedical Waste from Health Care Facilities dated 1986.

The guidelines specify how each category of waste should be handled including the colour coding and thickness of the plastic bags into which the waste is to be placed, the types of hard shell containers used to hold the colour coded bags and suggested labelling of the containers.

b. Incinerator Design and Operating Criteria, Volume II - Biomedical Waste Incinerators dated October, 1986.

This document provides guidance to proponents on the design, assessment and operation of biomedical waste incinerators. A synopsis of various incinerator technologies is provided.

PCBs

1. APPROVALS PROCESS

The disposal and or management options for monochlorinated or polychlorinated biphenyl (PCB) waste are currently as follows:

A. PCB Storage Sites
B. PCB Processing Sites
C. PCB Incinerator Sites
D. Mobile PCB Processing
E. Mobile PCB Destruction Facilities (Incineration or Thermo-destruction)

A. PCB Storage Site

Every site containing PCB waste and PCB related waste but not containing other wastes is classified as a PCB storage site. These sites may operate under Director's Instructions under the O.Reg. 362 or under a provisional certificate of approval. For more information on PCB storage sites, O.Reg 362, Waste Management - PCBs, should be consulted.

B. PCB Processing Sites

A PCB processing site is a site that manages or prepares PCB waste for subsequent disposal. For more information on the approval requirement for these sites, the Waste Processing Site section of this guide should be consulted. These sites are subject to Part V, Section 27 and 32 of the EPA.

C. PCB Incinerator Sites

An incinerator site receiving PCB waste is subject to Section 9 for discharge to the air and Section 27 and 30 of the EPA. For more information, the Incinerator Sites (receiving hazardous waste) section of this guide should be consulted.

D. Mobile PCB Processing

The processing of PCB waste at a generator's site, by a third party, using mobile processing facility (no destruction) is subject to Part V of the EPA. For more information on PCB mobile processing facilities, the Mobile Waste Processing Facilities section of this guide should be consulted.

E. Mobile PCB Destruction Facilities

Incineration or thermo-destruction (Class 1) and use of chemical means (Class 2) are two mobile PCB destruction technologies that are discussed in O.Reg. 352. Mobile destruction sites using Class 1 and Class 2 technologies are classified into three categories:

Class 1 Site - is a mobile PCB destruction facility where incineration or thermo-chemical (Class 1) destruction process is used

Class 2 Site - is a mobile PCB destruction facility where chemical (Class 2) means of destruction process is used

Class 3 Site - is a mobile PCB destruction facility where a chemical (Class 2) unit operates by connecting to a transformer for which the fluid is treated and returned to that transformer

Class 2 and Class 3 mobile PCB destruction sites are subject to Section 32 of the EPA. Class 1 sites are subject to approval under Section 30 of the EPA.

2. DOCUMENTS REQUIRED FOR REVIEW OF APPLICATION

The following summarizes the application documents which must be sought when establishing a mobile PCB destruction facility.

A. Application for a Provisional Certificate of Approval for Destruction of PCBs Using Mobile Technology - Form 1 of O.Reg. 352

B. Application for a Certificate of Approval for a Waste Disposal Site (Processing)

C. Application for a Certificate of Approval (Air) under Section 9 of the EPA (as required)

D. Financial assurance requirement for mobile destruction is $50,000.

For technical information reference should be made to the Guide " Details Document, Mobile PCB Destruction Facilities", April 1986.

APPENDIX 1

APPLICATION OF THE ENVIRONMENTAL ASSESSMENT ACT (EAA) TO WASTE MANAGEMENT FACILITIES

The provisions of the EAA may apply to a waste management proposal by virtue of one of the following mechanism:

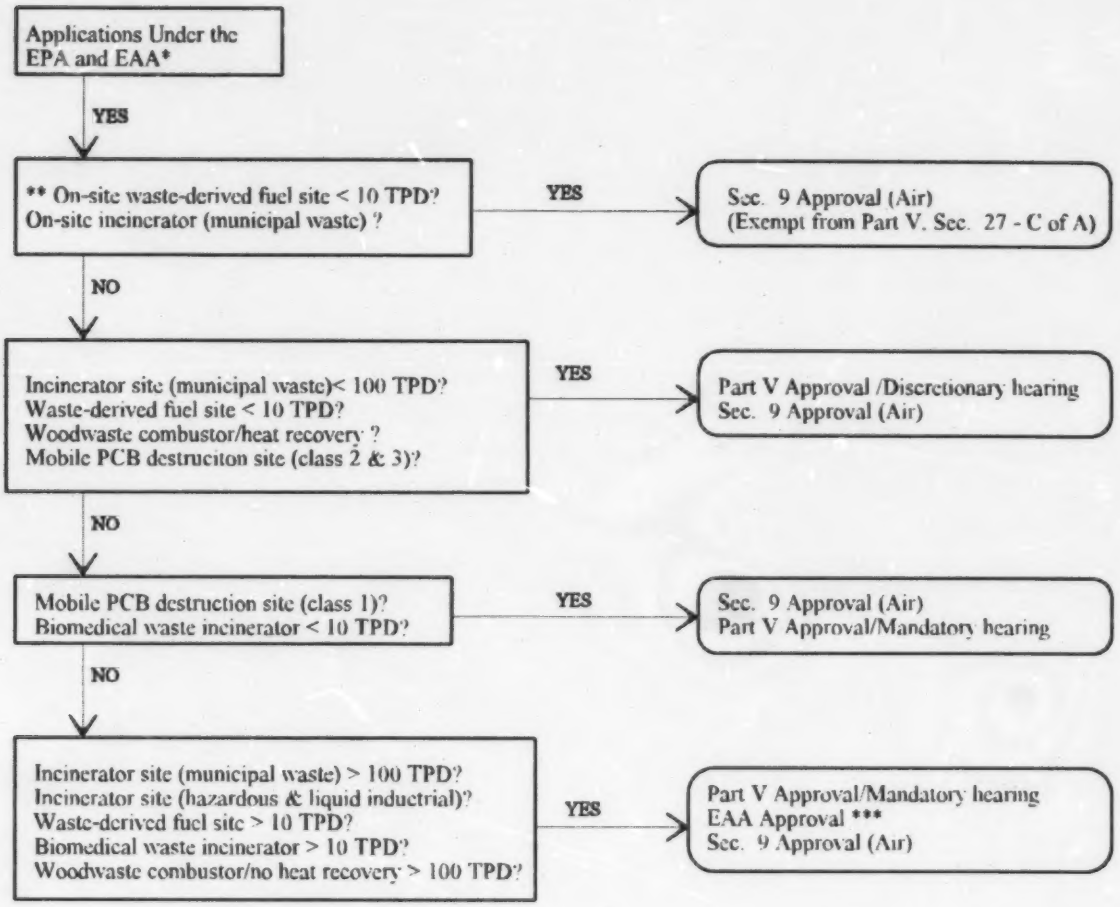
1) By direct application of the EAA and O.Reg. 334 under the EAA;

2) By exceedance of the Ministry trigger value for a specific type of proposal, in which case, the Ministry would recommend designation of the project unless the proponent justifies otherwise; or

3) By request of the public for a site specific designation.

For details concerning the requirements for conditions 1 and 3 above, the EAA and O.Reg. 334 should be consulted. The attached tables contain the Ministry trigger values for designation of waste proposals.

APPLICATION OF EAA TO WASTE INCINERATION FACILITIES



* Approvals may also be required under the OWRA
** On-site means only waste generatoed on that site is incinerated
*** Private prposals are not subject to the EAA unless designated

APPLICATION OF EAA TO WASTE DISPOSAL SITES

WASTE TYPE	LANDFILL [1, 2]	INCINERATION	PROCESSING [3, 4]	TRANSFER [3]
Municipal Waste	> 40,000 m^3 - EAA < 40,000 m^3 - EPA	> 100 TPD - EAA < 100 TPD - EPA	> 200 TPD - EAA < 200 TPD - EPA	> 300 TPD - EAA < 300 TPD - EPA
Hazardous/Liquid Industrial Waste	EAA	EAA	> 200 TPD - EAA < 200 TPD - EPA	> 300 TPD - EAA < 300 TPD - EPA

EPA - PART V & SECTION 9 FOR ANY AIR EMISSION

EAA - PART V, SECTION 9 FOR ANY AIR EMISSION & ENVIRONMENTAL ASSESSMENT

TPD - METRIC TONNES PER DAY

1. FOR MUNICIPALITY OWNED LANDFILL, EAA ALSO APPLIES REGARDLESS OF SIZE WHERE SITE RECEIVED WASTE THE EQUIVALENT OF NOT LESS THAN 1500 PERSONS DOMESTIC WASTE
2. EAA DOES NOT APPLY TO LANDFILLING OF CLEAN WOODWASTE
3. NOT APPLICABLE TO ON-SITE FACILITIES HANDLING OWN WASTE
4. CRITERIA APPLIES TO WASTE QUANTITY RESULTING FROM PROCESS WHICH IS DESTINED FOR DISPOSAL